



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/752,878

01/07/2004

Mark Jeffries

59905

4563

27148

7590

06/22/2005

POLSINELLI SHALTON WELTE SUELTHAUS P.C.

700 W. 47TH STREET

SUITE 1000

KANSAS CITY, MO 64112-1802

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/752,878	Applicant(s) JEFFRIES, MARK	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u>                       |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 19-25, and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 2,620,213 to Keeler.

Keeler discloses a latching device comprising a housing (17) having a detent (19), a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), and a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), as in claim 1.

Keeler also discloses the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 2, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 3 and 4.

Art Unit: 3676

Keeler further discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position, as in claim 5, as well as the housing includes oppositely disposed grooves (21) extending therethrough and the bolt includes lateral portions with edges (16) for receipt in the respective grooves (figure 4), as in claim 6, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 7.

Keeler discloses a latching device comprising a housing (17) having a detent (19), a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), and a tab (23) in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 19.

Keeler also discloses the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 20, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 21 and 22.

Keeler further discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position, as in claim 23, as well as the housing includes oppositely disposed grooves (21) extending therethrough and the bolt includes lateral portions with edges (16) for receipt in the respective grooves (figure 4), as in claim 24, wherein the slot is configured for confining movement of the at least a portion of the tab, for limiting the movement of the bolt in the extended position (figure 2 and 4), as in claim 25.

Keeler discloses a latching device comprising a housing (17) having a detent (19), and oppositely disposed grooves (21) extending longitudinally along the housing, a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), the bolt including outwardly protruding and oppositely disposed lateral edges extending longitudinally (16), for receipt in the oppositely disposed grooves (figure 4) along the housing, and a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), as in claim 28.

Keeler also discloses the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 29, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially

Art Unit: 3676

retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 30 and 31.

Keeler further discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position, as in claim 32, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 33.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-18, 26, 27, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeler, in view of U.S. Patent Number 5,472,248 to Flowerday.

Keeler discloses the invention substantially as claimed. Keeler discloses a latching device comprising a housing (17) having a detent (19), a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27). However, Keeler does not

Art Unit: 3676

disclose that the housing envelops the bolt, as in claims 8, 10, 26, and 34. Flowerday teaches of a bolt housing (12) that envelops a bolt (14) and has an outer surface configured for fitting in a correspondingly shaped track in a structure in the same field of endeavor for the purpose of guiding the bolt in a longitudinal axis. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the housings of Flowerday in the latching device to cover the bolt of Keeler in order to guide the bolt in a longitudinal direction.

Keeler additionally discloses a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), as in claim 11, and where the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 12, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 13 and 14.

Keeler also discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position, as in claim 15, as well as the housing includes oppositely disposed grooves (21) extending therethrough and the bolt includes lateral portions with edges (16) for receipt in the respective grooves (figure 4), as in claim 16, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 17.

### ***Response to Arguments***

Applicant's arguments filed April 4, 2005 have been fully considered but they are not persuasive. Regarding the argument, page 12, lines 7-10, and page 13, lines 7-12 of the remarks, that Keeler does not disclose the housing as claimed, the examiner respectfully disagrees. As defined in Merriam-Webster, a housing is defined as a support for mechanical parts, where the housing of Keeler supports the bolt in a functional manner, as claimed by the applicant.

Moreover, the Flowerday reference is used to teach the means of a housing that envelops a bolt, not the housing itself, against the assertion of the applicant. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



Art Unit: 3676

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*  
June 17, 2005



**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**

ATTACHMENT A



# Merriam-Webster OnLine

Merriam-Webster FOR KIDS    Encyclopedia BRITANNICA

Merriam-Webster ONLINE    Merriam-Webster COLLEGIATE    Merriam-Webster UN

**Down Payment Assistance**  
\$7,500 to \$22,500 Grant/Gift  
Funds No repayment required or  
expected

**Housing**  
Houses from \$25,000 with \$0  
down 3-4-5 bdrm homes - try a  
search

**Grants to Buy a House**  
Free Guide - Learn how you can  
get up to \$22,500 to Buy a House.

**Apartment Rentals**  
Quality and Affordable  
View photos, floor plan

HOME  
PREMIUM SERVICES ▼  
M-WCollegiate.com  
M-WUnabridged.com  
Britannica.com  
Multi-User Licenses

DOWNLOADS ◀  
WORD OF THE DAY ◀  
WORD GAMES ◀  
WORD FOR THE WISE ◀  
ONLINE STORE ◀  
HELP ◀

Merriam-Webster Inc.  
Company Information

## Merriam-Webster Online Dictionary


6 entries found for **housing**.  
To select an entry, click on it.

house[2,verb]    Go  
housing[1,noun]  
housing[2,noun]  
housing development  
housing estate  
housing project

Thesaurus

Ads by  
Merriam-Webster  
○ Dictionary  
○ Thesaurus



Main Entry: **<sup>1</sup>housing**   
Pronunciation: 'hau-zi(ng)  
Function: *noun*

**1 a : SHELTER, LODGING b : dwellings provided for people**  
**2 a : a niche for a sculpture b : the space taken out of a structural member (as a timber) to admit the insertion of part of another**

**3 : something that covers or protects: as a : a case or enclosure (as for a mechanical part or an instrument) b : a casing (as an enclosed bearing) in which a shaft revolves c : a support (as a frame) for mechanical parts**

For **More Information on "housing"** go to [Britannica.com](http://www.britannica.com)

Get the **Top 10 Search Results for "housing"**

**Palm & Pock**  
Browse and downl  
Merriam-Webster  
e-books and game  
Palm and Pocket P  
and Mobile Phones  
[Merriam-Web  
Online Store](http://www.merriam-webster.com/online-store)

**Handheld  
Collegiate**  
Now you can take  
Eleventh Edition w  
anywhere as Franl  
new Speaking Elec  
Handheld!  
[Franklin.com/](http://www.franklin.com/)

Merriam-Web  
**Collegiat**  
**14-day Free**